

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RODRICK L. BOYCE,

Plaintiff,

v.

GLENN PARKER, et al.,

Defendants.

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Case No. 3:06-cv-1050-MJR

ORDER

This matter is before the Court on the Motion for Substitution of the United States as Defendant for Glenn Parker, D.M.D., filed by Defendants on January 10, 2007 (Doc. 4). Under 42 U.S.C. §§ 233(c) and 233(g)(1)(A), the United States moves for substitution of the United States for Defendant Parker, following a certification by the United States Attorney acting as an agent of the United States Attorney General that Defendant Parker was acting within the scope of his employment as an employee of the Public Health Service at the time when the incident giving rise to this complaint occurred.

The plaintiff has failed to respond to this motion. Therefore, pursuant to this Court's discretion as provided by Local Rule 7.1(g), the Court considers the failure to respond as an admission of the merits of this motion. As Defendant's allegation of proper certification under 42 U.S.C. §§ 233 has not been challenged by Plaintiff and Defendant appears to be in compliance with the statute, the Motion is **GRANTED**, and the Clerk of the Court is **DIRECTED** to substitute the United States for Defendant Glenn Parker, D.M.D.

DATED: February 21, 2007

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge